



PATENT
Docket No. 2026-4006US5

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : George Pavlakis et al. Group Art Unit: 1637
Serial No : 09/943,722 Examiner: Jeffrey Siew
Filed : August 31, 2001
For : METHOD OF ELIMINATING INHIBITORY/INSTABILITY REGIONS OF mRNA

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RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

This is in response to the Office Action dated July 9, 2002, in which the Examiner subjected pending claims 1 to 49 to a restriction requirement under 35 USC §§121 and 372. A response to the Office Action is due on or before August 9, 2002, therefore, this response is timely filed.

In the Office Action, the Examiner restricted the claims into the following 4 groups: Group I: claims 1-17 (method of detecting expression of inhibitory/instability sequences, classified in class 435, subclass 6); Group II: claims 18-37 (vector and host cell coating impeded expressing gene, classified in class 536, subclass 23.1); Group III: claims 39-45 (vaccine capable of producing HIV gag protein in absence of any HIV regulatory protein, classified in class 424, subclass 93.1); and Group IV: claims 46-49 (synthetic gene and method of preparing comprising replacing a less preferred codon with preferred codon, classified in class 435, subclass 6).

In response to the Examiner's restriction requirement, Applicant elects to prosecute the claims of Group IV, i.e., claims 46-49.

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Furthermore, with respect to the claims, Applicants wish to point out that Claims 3-5, 21, 23-24, 30 and 34-45 were canceled in the application fee transmittal paper filed together with the application on August 31, 2001. New claims 46-49 were added in the preliminary amendment dated October 2, 2000, leaving claims 1-2, 6-20, 22, 25-29, 31-33 and 46-49 pending.

Respectfully submitted,

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Dated: August 9, 2002

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